
FORM SUMMARY

Name of Form:	Judgment for Unpaid Restitution/Forfeiture
Form Number:	JD-1761
Statutory Reference:	§§895.035(2m)(a) & 895.035(2m)(b), Wisconsin Statutes
Benchbook Reference:	JV- 9-41; JD-9-48
Purpose of Form:	A written judgment against the juvenile or parent with custody for unpaid restitution and/or forfeiture. This judgment can be docketed and become a lien against the debtors.
Who Completes It:	The party seeking to convert the restitution or forfeiture into a money judgment generally provides the completed copy to the court for signature following the hearing. In cases brought <i>pro se</i> by the victim, the court may have to complete the form in court.
Distribution of Form:	Original is filed with the court; copies provided to the juvenile, juvenile's parents/attorney, and petitioner/attorney.
Accompanying Forms:	Generally none.
New Form/Modification:	Modification, last revision 7/96.
Modifications:	Added a statement on the bottom indicating that the form shall not be modified. Added checkboxes to indicate custodial parent, if applicable, to findings in paragraphs 3, 4, 5, and as part of court order.
Comments:	<p>Unpaid restitution and forfeitures can be converted into a money judgment against the juvenile or the parent with custody.</p> <p>A hearing is required to be held. Following the hearing the court would sign the judgment if it is granted. This form can be used for both restitution petitions (JD-1759) and forfeiture petitions (JD-1760) by checking the appropriate box. The name and address information is mandatory to allow the judgment to be entered in the judgment and lien docket.</p> <p>Although it is possible that petitions for judgment on both restitution and forfeiture could be brought at the same time and heard at the same time, RMC recommends that separate judgments be entered for each judgment creditor.</p>

The procedural issue of docketing the judgment and the public nature of the judgment must be resolved locally. RMC recommends one of two procedures:

- the juvenile clerk have a duplicate original of the judgment signed by the judge for transmittal to the docketing clerk in the clerk of court's office. The juvenile clerk would maintain in the juvenile's court file one of the duplicate originals; the other duplicate original would be retained by the clerk of court (presumably in a group file) for public access purposes.
- the juvenile clerk send the original judgment to the docketing clerk for docketing. Upon docketing, the docketing clerk would photocopy the original, return the original to the juvenile clerk, and keep the photocopy in the group file.

Clerks of court have raised concerns about accepting a "certified" or "authenticated" copy of the judgment and generally require either the original or a "transcript of judgment." A duplicate original satisfies the need without having to create a special "transcript of juvenile court judgment" form.

Further, the original should remain in the juvenile court file. Yet there seems little dispute that the judgment itself becomes a public record upon docketing. If access to the document is requested, having a duplicate original available in the clerk of court's office will eliminate the question of opening up a juvenile court record for such access.

Juvenile clerk's could be given docketing authority, but in many counties all docketing is done by one person (or group of persons) and there is reluctance to grant additional widespread docketing authority.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.